

the presented groups. On October 20, 2003, during a telephone conversation, Examiner stated that Claims 4 through 13 belong to Group I. Thus the correct groups are Group I, including Claims 1-13 and 15-28, and Group II, including Claims 14 and 29.

The Restriction Requirement is respectfully traversed because the Office has not met its burden of establishing that the inventions of Groups I and II are distinct, and because the Office has not established that searching the entire application would impose a serious burden.

The Office has not established that the inventions of Group I and Group II are distinct. MPEP §806.05(f) states:

A process of making and a product made can be shown to be distinct inventions if either or both of the following can be shown: (A) that the process as claimed is not an obvious process of making the product and the process as claimed can be used to make other and different products; or (B) that the product as claimed can be made by another and materially different process.

The Examiner suggests that the product as claimed in Group II can be made by another and materially different process such as by reacting two pure reactants to form a pure salt. The Examiner, however, does not offer any support for this suggested different process. In the absence of support for the suggested alternative process, Applicants respectfully submit that the inventions of Group I and II are not distinct.

Further, even if the claims of Group I and II are distinct, the Office has not established that searching the entire application would impose a serious burden. MPEP §803 states:

If the search and examination of an entire application can be made without a **serious** burden, the Examiner **must** examine it on the merits, even though it includes claims to distinct or independent inventions. (Emphasis added).

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Notably, the purified salts of Group II are prepared by the processes of

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Group I. Thus, the search for Group I considerably overlaps with that for Group II. No serious burden is imposed.

Regarding the election of species requirement, it is noted that the Examiner should examine the entire claim, restricting the examination to the elected species and reasonable additional species only if art is found rendering the broad claim unpatentable.

For the reasons set forth above, Applicants respectfully submit that the Restriction Requirement is improper, and respectfully request that it be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

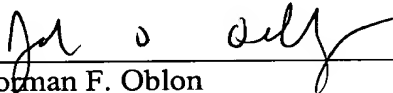
Respectfully submitted,

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